

REPORT TO THE JERICHO DEVELOPMENT REVIEW BOARD

DEVELOPMENT REVIEW BOARD HEARING DATE: July 28, 2016

REPORT PREPARATION DATE: July 19, 2016

APPLICATION TYPE: Planned Unit Development, Conditional Use Review and Site Plan Review.

APPLICANT/OWNER: Old Morgan Orchard LCC/KCS LLC

DESCRIPTION: Planned Unit Development, Conditional Use & Site Plan Review

IDENTIFYING INFORMATION:

LOCATION: 20 Morgan Road

PARCEL NO: MR020

TOTAL ACREAGE: 6.2 acres

ZONING DISTRICT(S): Rural Residential

EXISTING USE: Unoccupied wooded/open land

PROPOSED USE: 6 unit PUD

NOTICE OF PUBLIC WARNING/ ABUTTERS:

Notice of Public Warning published – *July 7, 2016*

Notice of Public Warning posted –*July 7, 2016*

Onsite posting sent on –*July 7, 2016*

Notice of Public Warning sent to abutters and applicants—*July 7, 2016*

Agenda Posted –*July 20, 2016*

LOCATION MAP:



PROJECT OVERVIEW

The applicant has proposed the constructing 3 duplex units to be served by a private road, onsite septic and municipal water located within the Rural Residential Zoned District. The project will be reviewed under sections of the Jericho Land Use Development Regulations – 4, 5, 10, 10.3, 10.4, 10.5, 10.6, 10.8, 10.9, 10.10, 10.13 and 11.

PREVIOUS ACTIVITY

The property was granted an approval for a 5 bedroom single family house with a 3 car garage on 2/9/16.

The proposal (3 duplex) was reviewed by the DRB for sketch plan review on 4/28/16

DEPARTMENTAL REVIEW AND COMMENTS:

The applicant's proposal is to be reviewed under 3 areas PUD, Conditional Use & Site Plan Review. Within the PUD component of the request there is an additional request being made for a **density bonus of 50%** to allow the applicant a request of 3 duplexes. The applicant's property is sized to allow for 2 duplexes but there is the provision within section 10.13 that allows for the

request and consideration for up to a 50% density bonus (10.13.8). The applicant is requesting this density bonus specifically under section 10.13.8 (b).

Because of the multiple reviews required within this application it is **STAFF's** strong recommendation that the DRB only open the **PUBLIC HEARING** for the PUD to start with and review and determine if the applications meets the standards to be granted the **density bonus request of 50%**. If the DRB finds in the affirmative for the density request then the overall project and its review can be opened. If the DRB does not find in the affirmative for the density request STAFF would recommend continuing the public hearing to the next hearing date (8/11/16) so the applicant can determine their course of action for their proposal.

ZONING USES (§ 4)

Residential duplexes are a conditional use in the Rural Residential District subject to DRB review

DEMENTIONAL STANDARDS (§ 5)

The applicant proposal is reviewed under 5.8 and appears compliant depending on the outcome of the density bonus request.

10.3. Septic Permits

Septic permits for septic disposal systems proposed to be built, altered or replaced shall be subject to the Vermont Agency of Natural Resources Wastewater System and Potable Water Supply Rules, as most recently amended.

If this proposal is approved then this should be a condition of approval

10.3.1. *New Construction, Single Lot:* No zoning permit for new construction of a dwelling shall be considered "in effect" unless and until a wastewater and potable water supply permit is issued to the parcel owner under 10 VSA Chapter 64 of Title 10; or

10.3.2. *New Construction, Subdivision and Creation of Two or More New Lots:* An applicant may submit a permit application for review, and the Town may condition the issuing of a final permit upon an approved wastewater and potable water supply permit under chapter 64 of Title 10.

If this proposal is approved then this should be a condition of approval

10.4 Access Permits - Roads and Driveways

All private roads, private drives and Rights-Of-Way proposed to intersect a town-owned road shall conform with Access Standards adopted by the Selectboard, as most recently amended. An access permit shall be obtained for any new curbcut onto a Town road. The access permit shall be obtained directly from the Highway Superintendent, and documentation of final approval shall be provided to the Zoning Administrator prior to issuance of a building permit. Access permits are valid for one [1] year from the date of issue. All new access points onto a State highway or within a State Right-Of-Way are subject to approval by the Vermont Agency of Transportation.

It appears that the applicant has yet to receive a curb cut approval from the Highway Superintendent. It would be preferred that an approval is in place prior to a decision and or a condition for approval.

- 10.4.1. Curb cuts shall be limited to one per residential property. **Only one curb cut is proposed.**

10.5 Water Service

Any connection to a public water supply system shall be subject to approval by the Jericho Village Water District or the Underhill Jericho Water District. All community water systems and individual wells shall be subject to the Vermont Agency of Natural Resources Wastewater System and Potable Water Supply Rules and the Vermont Water Supply Rules, as most recently amended. **The applicant is proposing and has received an approval from the Village of Jericho water distribution system to serve this project.**

10.6 Certificates of Occupancy

- 10.6.1. *Applicability:* Any occupancy or use of any land or structure requiring conditional use or site plan approval from the Development Review Board, or any new dwelling, or addition of a bedroom to an existing dwelling shall require the issuing of a Certificate of Occupancy by the Zoning Administrator.
- 10.6.2. *Application Requirements:* An application for a Certificate of Occupancy shall be filed with the Zoning Administrator upon completion of the project on a form provided by the Town. Required application fees, as set by the Selectboard, also shall be submitted with each application.
- 10.6.2.1 If need is demonstrated by the applicant, a Certificate of Occupancy may be issued when the project is only “substantially” complete.
- 10.6.3. *Action by the Zoning Administrator:* Within fifteen [15] days of receipt of a complete application, including all application materials and fees, the Zoning Administrator shall act to issue or deny a Certificate of Occupancy in writing. If the Zoning Administrator fails to act within the fifteen [15] day period, a permit shall be deemed issued on the sixteenth [16th] day. A Certificate of Occupancy shall not be issued until the Zoning Administrator determines that the use of the structure or land conforms with all terms and conditions of all permits and approvals.
- 10.6.4. *Energy Certification:* In accordance with Act 89, provision of a certificate as required by 21 VSA §266 (residential building energy standards) or §268 (commercial building energy standards) shall be a condition precedent to the issuance of a Certificate of Occupancy. This certificate shall be filed with the Town Clerk and filing documentation shall be presented to the Zoning Administrator.
- 10.6.1 – 10.6.4 can be conditions of approval is approval is granted for this project.**
- 10.6.5. *Additional Requirements:* Requirements for notification of appeal periods, posting, recording and filing of a Certificate of Occupancy shall be the same as for a Zoning Permit as specified in Sections 10.2.2 and 10.2.3.

10.8 Development Review Board Procedures

10.8.1 – 10.8.6.3 will be followed and implemented by the DRB as needed. The applicant should review this section and if they have questions they can be addressed at the hearing.

CONDITIONAL USE APPROVAL (§10.9.)

10.9.1. Purpose: Conditional use review is intended to subject specified uses to more careful scrutiny because of the potential for adverse impacts to adjoining properties, the neighborhood, or the community at-large.

10.9.2. Applicability: Before the Zoning Administrator may issue a Zoning Permit, a conditional use requires approval of the Development Review Board subject to the procedures of Section 10.8. Conditional uses are those specified for a given zoning district in the Table of Uses in Section 4.3. A use designated as a conditional use shall not require separate site plan review. Site plan review standards, submission requirements and approval conditions in Section 10.10 shall become part of the conditional use review standards. *Site plan review is required for this application.*

10.9.3. Standards: In granting approval for a conditional use, the Development Review Board shall determine the area likely to be affected, and that the use shall not result in an undue adverse effect on any of the following general standards from the ACT [§4414(3)(A)]:

10.9.3.1. The capacity of existing or planned community facilities. The Development Review Board shall determine that facilities (e.g. water, sewer, schools, fire protection, roads) are reasonably available to serve the use or are planned to serve the proposed use at its anticipated time of occupancy. *The has received responses from the comments back from the Village of Jericho Water Department, the Underhill-Jericho Fire Department and the Mt. Mainsfield Modified Union School District concluding that the proposed application will not present an undue burden to the services they provide. Please note that there has been no information provided that the Town's Highway Superintendent has reviewed or approved this proposal to date. Staff would recommend any decision dealing with this criteria (roads) be held until the Highway Superintendent has reviewed and either approved or offered conditions for approval.*

10.9.3.2. The character of the area affected as defined by the purpose of the zoning district in which the use is located, and by specifically stated policies and standards of the Jericho Comprehensive Town Plan. At a minimum, the Development Review Board shall determine that:

(a) Nuisance or hazard will not be created to the detriment of the health, safety, or welfare of the occupants of the proposed use or the citizens of Jericho; *The DRB will have to find or propose conditional that will ensure that this criteria is met.*

(b) The proposed use, including any building associated with the use, will be in general harmony with the character of the surrounding neighborhood and will not adversely impact abutting residences or other property; and *The character of the surrounding neighborhood consists primarily of single family residences for the most part and shares a boundary with the Mount Mainsfield High School. The DRB can place conditions that could reinforce the*

character of the surrounding area that would help with any potential or perceived adverse impacts to abutters such as screening, limiting exterior lighting, signage, dumpster or propane tank location (screened?). There is not sufficient enough information for staff to determine if or how these possible impacts are address or if they are.

(c) The proposed use, including any building associated with the use, will be compatible with the stated purpose of the zoning district in which the use will be located. **The Rural Residential zoning district lists this use as a conditional use and as previously stated that the predominate trend for the area is single family. The DRB should note that the stated purpose of the Rural Residential District is to provide for land uses that are compatible with rural areas. This district creates a transition between the denser Village, Commercial and Village Center Districts and the lower-density Open Space, Forestry and Agricultural Districts.**

10.9.3.3. Traffic on roads and highways in the vicinity: The Development Review Board shall determine that traffic generated or patterns of access or egress will not cause congestion, hazard, or detriment to the established neighborhood character. In making this determination, the Development Review Board may consider any traffic study required by Section 11.5.1 of these regulations **The applicant has provided a traffic analysis based on 6 units that concluded there is no adverse impact. A total number of bedrooms do not appear to be part of the evaluation which may not be required. As previously mentioned; there has been no information provided that the Town's Highway Superintendent has reviewed or approved this proposal to date so evaluation of access and egress from the Town's perceptive is not available. Staff would recommend any decision dealing with this criteria (access or egrss) be held until the Highway Superintendent has reviewed and either approved or offered conditions for approval.**

10.9.3.4. Bylaws and ordinances then in effect

10.9.3.5. Utilization of renewable energy resources. **None proposed**

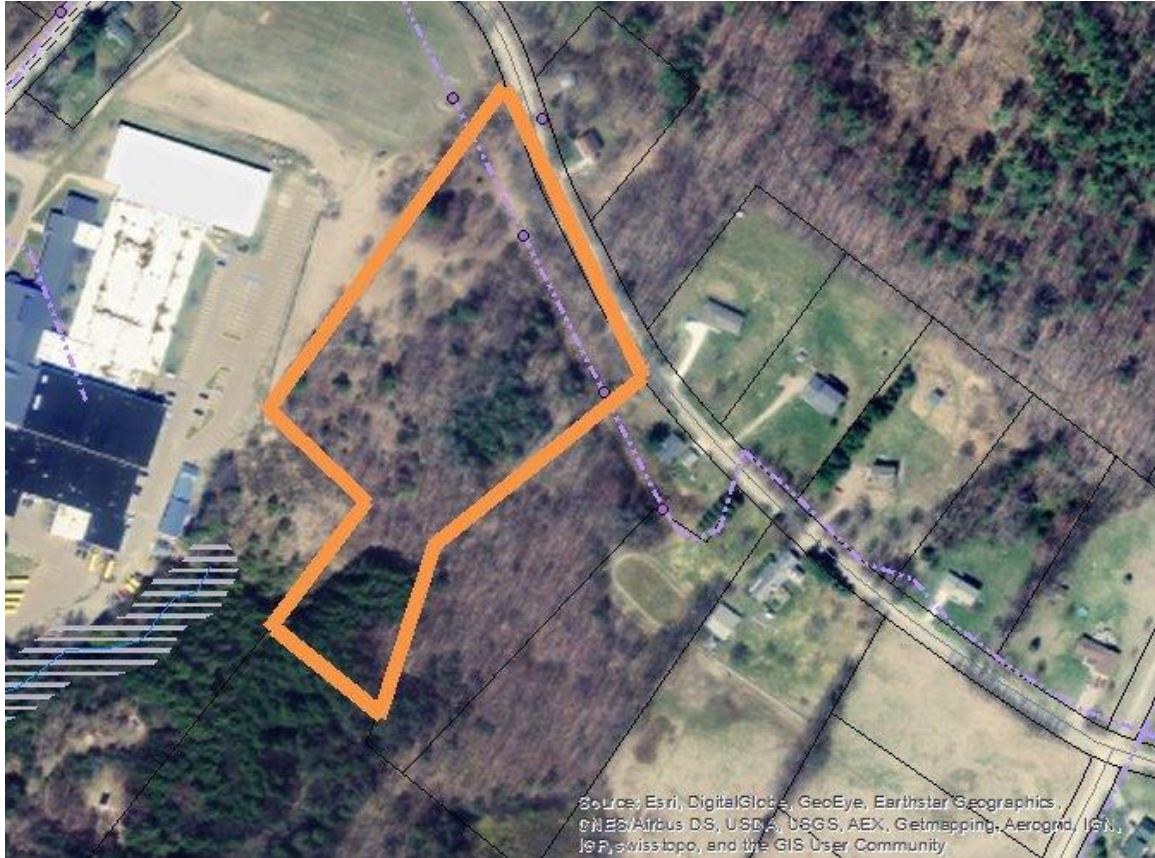
10.9.4. Additional Review Standards: The Development Review Board shall consider and may impose appropriate safeguards, modifications, and conditions relative to the following standards:

10.9.4.1. All site plan review standards and approval conditions in Section 10.10 **below**

10.9.4.2. The cumulative impact of the proposed conditional use taken together with other conditional uses in the area. **The adjacent High School is also a conditional use so in reviewing cumulative impact the DRB should account for this use as well.**

10.9.4.3. If the proposed use involves the sale or storage of hazardous materials, protection for public and private water supplies, adjacent properties, wetlands or other environmental features, and human health shall be ensured. Particular care shall be taken with respect to potential impacts on water resources in the Wellhead Protection Overlay District, Wetlands Overlay District, and the River Overlay District. To facilitate evaluation of the proposed use, the Development Review Board may require an independent analysis, in accordance with Section 10.8.6 of these regulations. **The**

proposed site does not all within any of the Overlay Districts. *The DRB should find or condition any approval so this criteria is met and complied too.*



10.9.5. Expiration of Approval:

10.9.5.1. Conditional use approval shall expire if a zoning permit is not obtained within 180 calendar days of approval unless the Development Review Board grants an extension.

10.9.5.2. The Development Review Board may grant an extension of conditional use approval for reasonable and substantial cause.

10.10. SITE PLAN REVIEW

10.10.1. Applicability: Before the Zoning Administrator may issue a zoning permit for any structure or use of land for which site plan approval is required, approval must be granted by the Development Review Board according to the procedures of Section 10.8. Site plan approval is required for all uses and structures other than those exempted under Section 10.10.2.

10.10.2. Exemptions: The following uses and structures are exempt from site plan review:

10.10.2.1. Agricultural and forestry uses

10.10.2.2. One- and two-family dwellings and accessory buildings there to

10.10.2.3. Uses that satisfy all of the following criteria:

- ♣ Do not require conditional use review: **This application requires conditional use review.**
- ♣ Do not require new or expanded parking for five [5] vehicles or more, **The application requires parking for more than 5 vehicles**
- ♣ Do not involve the construction or expansion of 1,000 square feet of building area or more, and **The application contemplates the construction of more than 1,000 sq.ft.**
- ♣ Do not involve construction, expansion, or substantial alteration of any outside storage or display area.

10.10.3 Review Standards: The Development Review Board may consider and impose appropriate safeguards, modifications, and conditions relative to the following standards:

10.10.3.1 All site plans shall comply with the following General Development Standards found in Section 11 of these regulations. Upon review of the application, the Development Review Board/Zoning Administrator may determine that additional General Development Standards are applicable to a given application, such as: **The DRB should review and evaluate the application and the standards below to determine if additional requirements are needed.**

10.10.3.1.1 Roads/Access

10.10.3.1.2 Parking/Loading/Circulation

10.10.3.1.3 Pedestrian Facilities

10.10.3.1.4 Grading/Slope/Ridgeline

10.10.3.1.5 Water Supply and Sewage Disposal

10.10.3.1.6 Landscaping

10.10.3.1.7 Site Layout and Design

10.10.3.1.8 Outdoor Storage

10.10.3.1.9 Outdoor Lighting

10.10.3.1.10 Utilities

10.10.3.1.11 Stormwater

10.10.3.1.12 Performance standards

10.10.3.2 Site plans shall comply with any and all applicable Specific Use Standards in Section 4.4 and the General Provisions in Section 7. **There does not appear to be any proposed signage or fencing within this application, the DRB should confirm this.**

- 10.10.3.3 The Development Review Board may require that the applicant submit information regarding hours of operation and may impose conditions limiting hours of operation.

Not applicable

- 10.10.4 *Performance Guarantee:* All landscaping and plantings shall be guaranteed for three [3] years from the date of planting. The Development Review Board may require a letter of credit, performance bond, escrow, or other surety in an amount sufficient to provide for planting and landscaping and to ensure that the planting and landscaping remains in satisfactory condition for a period of three [3] years after completion.

Where surety is required, the Development Review Board may specify a schedule for planting and landscaping and for release of any reserved funds. If the applicant fails to install planting and landscaping within the specified time period, the letter of credit or other security may be forfeited after thirty [30] days written notice. Upon receipt of the proceeds, the Town may install or maintain planting and landscaping, and in the event the proceeds are insufficient, the applicant shall reimburse the Town for the balance. Any balance remaining in escrow at the end of the three [3] year maintenance period shall be refunded to the applicant.

If this proposal is approved then a condition of approval should include the appropriate performance guarantee seeing that there is landscaping proposed.

10.13 Planned Unit Development Review

- 10.13.1 *Purpose.* Planned Unit Developments (PUDs) are intended to further the goals and objectives of the Jericho Comprehensive Town Plan, the purpose of the underlying zoning district by permitting flexibility in the application of land development regulations, and the purposes below. Flexibility is encouraged in site and lot layout, building design, placement and clustering of buildings, use of open areas, provision of circulation facilities, including pedestrian facilities and parking, and related site and design considerations that will best achieve these goals, objectives and purposes:

- 10.13.1.1 To encourage compact, pedestrian-oriented development and to promote a mix of residential uses, nonresidential uses or both in village centers. This does not seem to apply to the application proposed.
- 10.13.1.2 To encourage provision of affordable housing. There is no provision within the application for affordable housing
- 10.13.1.3 To encourage any development in rural areas to be compatible with the use and character of surrounding rural lands. Previously discussed in section 10.9.3
- 10.13.1.4 To provide for the conservation of open space features recognized as worthy of conservation in the municipal plan, such as the preservation of agricultural land, forestland, trails

and other recreational resources, critical and sensitive natural areas, scenic resources, and protection from natural hazards.

There is proposed private owned conservation open space within this application and the applicant should discuss how this proposed open space meets this criteria.

10.13.1.5 To provide for efficient use of public facilities and infrastructure. This has previously been discussed

10.13.1.6 To encourage opportunities for energy-efficient development. The application contemplates building energy efficient units within this proposal as well as requesting a density bonus of 50% based on energy efficiency. Discussed further below.

10.13.1.7 To provide a mechanism by which property owners may create small building lots while retaining large tracts of contiguous land. The application incorporates this within the submission.

10.13.2 *Applicability*: PUDs are encouraged for all development in Jericho. PUD review shall be required in the following circumstances:

10.13.2.1. When a subdivision results in the creation of three [3] or more lots within a period of twelve [12] months, and in the judgment of the Development Review Board a PUD will better meet the objectives of the Jericho Comprehensive Town Plan.

10.13.2.2. Multiple principal structures are proposed on a single lot. There are multiple principal structures proposed (3 duplex structures)

10.13.2.3. Construction or substantial improvement of a single structure containing multiple uses with a total floor area in excess of 10,000 square feet is proposed. N/A

10.13.3 *Coordination of Review*: Applications for PUDs shall be reviewed pursuant to Section 10.12, Subdivision Review. PUDs may be classified as minor or major subdivisions, pursuant to Section 10.12.3. A PUD may include any permitted or conditional uses in the District which it is located, subject to all required review. Any subsequent zoning permit, site plan or conditional use approval within an approved PUD shall incorporate all applicable conditions of the PUD approval. The DRB should classify the application as a minor or major.

10.13.4 *Designation of Open Space Lands*: All PUDs shall make provisions for the preservation of open space, except that open space land shall not be required for PUDs located in the Village Center District. The lands set aside to be preserved for open space shall be reviewed and approved by the Development Review Board, in accordance with the following:

10.13.4.1 The following areas shall be contained within the open space portion of the PUD or otherwise protected through building envelopes and deed restrictions on individual lots:

- (a) Areas within the Wetlands Overlay District,
- (b) Areas within the River Overlay District,
- (c) Areas within the WHPA-1 area of the Wellhead Protection Area Overlay District, and
- (d) Areas within the Natural Resources Protection Overlay District, except as provided by Section 6.4.4.1. **As previously stated the proposal does not fall within any of the Overlay Districts.**

10.13.4.2 The overall layout of the PUD shall minimize the disturbance of the areas listed below:

- (a) Areas with slopes greater than twenty-five percent [25%],
- (b) Prominent hill sides, ridgelines and significant rock outcroppings,
- (c) Areas containing prime or statewide agricultural soils and other productive agricultural and forest land.
- (d) Historic and cultural resource areas
- (e) Scenic Resources
- (f) Large Habitat Blocks

Where feasible, these areas should be contained in the open space portion of the PUD or otherwise protected through building envelopes and deed restrictions **It appears that the application is compliant with these criteria's.**

10.13.4.3 Open space land shall have a coherent purpose, such as the preservation of a wildlife corridor or a scenic outlook, or creation of an interlocking trail system, or preservation of land with agricultural potential, or some similar feature. **The applicant should address this criteria for the DRB**

10.13.4.4 Land designated as open space shall be indicated with appropriate notation on the final development plat. Open space land shall be subject to appropriate deed restrictions stipulating the permitted and restricted use of such lot, and establishing the person or entity responsible for its maintenance. **If this application is to be approved then this should be a condition of approval.**

10.13.5 *Configuration of Open Space:* The Development Review Board shall determine the configuration of open space land based on the following:

10.13.5.1 The configuration of the open space land and the covenants governing its usage shall reflect the purpose of the open land and be suitable for its intended use. **The DRB review the proposed open space and ensure it meets this criteria.**

- 10.13.5.2 Open space land shall not be required in the Commercial and Village Center Districts. Open space shall be equivalent to at least 25% of the entire parcel in the Village District, and shall be equivalent to at least 50% of the entire parcel in the remaining districts. *The open space requirement for this zoned district is 50% the parcel is 6.2 acres there appears to be a draft of a plat that lists the open space at 3.11 acres. The application meets the 50% requirement.*
- 10.13.5.3 Open space land shall be configured to provide for large contiguous open space lands on the parcel. Fragmentation of open space land shall be avoided to the greatest extent possible. Narrow strips of open space land shall only be approved when necessary to connect significant areas or when designed to protect linear resources such streams or trails. *It appears that the application is compliant with this criteria.*
- 10.13.5.4 If the parcel to be developed contains currently productive agricultural land, the acreage set aside as open space land should be of a quality, size and configuration that make continued agricultural use possible. *N/A*
- 10.13.5.5 Open space land shall be contiguous with existing and potential open space land on adjacent parcels. *There are open/undeveloped spaces that are contiguous but Staff is not aware if they are conserved or potentially developable.*
- 10.13.6 *Ownership of Open Space Lands:* Open Space Land may be set aside as common land, as a separate undeveloped lot, or as a portion of a single lot, outside of the building envelope, to be held in private ownership. Open space land shall be dedicated, either in fee or through a conservation easement approved by the Development Review Board, to the municipality, an owners' association comprised of present or future owners of the subdivided lots, and/or a nonprofit conservation organization. The ownership type shall be consistent with the best means of maintaining or managing the resources on the site. All costs associated with administering and maintaining open space and/or common land shall be the responsibility of the applicant and subsequent landowners. *It is staff's understanding that the proposed ownership of the open space will be private. The appropriate covenants or deed restrictions appear to need to be developed and reviewed for approval by the DRB.*
- 10.13.6.1 **Common Open Space:** The following provisions shall apply to commonly owned open space lands:
- (a) The common open space land may be used for water supply and/or septic waste disposal, either common or individual, provided that adequate control over the use of the land for these purposes is retained by the party or parties responsible for the maintenance of these facilities. *It is the intent of the application to locate the wastewater*

treatment within the proposed common open space. It appears that the proposed condo docs or Home Owners Association may cover adequate control over this use.

- (b) Public access of common open space lands may be required when it may facilitate a trail network, or where public benefit may be obtained by access to unique natural features, or for some related access. Staff does not believe there is any public access offered within this application.

10.13.6.2 **Privately Owned Open Space:** In order to create larger lots for agricultural or preservation purposes, PUDs may also be designed with designated open space retained in private ownership rather than as common land. Such privately owned open space shall provide that:

- 10.13.6.3 (a) All development (if any) is restricted to a designated building envelope within which development may occur as permitted in Section 4.3: "Table of Uses". There are building footprints shown on the site plans which it is assumed are to act as building envelopes. The appropriate covenants or deed restrictions appear to need to be developed and reviewed for approval by the DRB with regards to the open space proposed.

- 10.13.6.4 (b) The remainder of each lot is designated open space and is restricted through permanent deed restriction or easement from all development except sewage disposal, water supply, agriculture, forestry, wildlife management and passive recreation. The appropriate covenants or deed restrictions appear to need to be developed and reviewed for approval by the DRB with regards to the open space proposed. IT should also be noted that 3.1 acers of the proposal is to outside the proposed open space and will partially developed as proposed.

- (c) Privately owned open space may be used for water supply and/or septic waste disposal, provided that adequate control over the use of the land for these purposes is retained by the party or parties responsible for the maintenance of these facilities. It is the intent of the application to locate the wastewater treatment within the proposed common open space. It appears that the proposed condo docs or Home Owners Association may cover adequate control over this use.

10.13.7 *Permitted Density:* Total approved residential density in a PUD shall be determined by calculating the total number of potential lots in a conventional subdivision. As provided in Section 5.6 (Density), each potential lot in a conventional subdivision shall entitle the applicant to one [1] single family dwelling, or two [2] multifamily dwelling units within the PUD, provided all other requirements of these regulations can be met. This procedure shall not apply to affordable or elderly housing in the Village Center District, which in

accordance with Section 5.6, shall be limited by lot coverage rather than by the number of dwellings per acre. The maximum number of potential lots in a conventional subdivision shall be determined in accordance with the following: The size of the parcel is 6.2 acres located within the Rural Residential District which would allow the applicant either 2 single family residence or 2 duplex units. The applicant is applying for 3 duplex units which are being considered under section 10.13.8. See below

10.13.7.1 The total number of potential lots in a conventional subdivision shall be calculated by dividing the total acreage of the parcel by the minimum lot area in a conventional subdivision, less twenty-five percent [25%] to account for topography, soils, dimensional and frontage requirements, rivers, streams and wetland areas, and other site restraints and overlays. A twenty-five percent [25%] reduction in the number of potential lots shall not be required in the Village Center Zoning District.

10.13.7.2 *Density Plan* - The total number of units in a PUD may be increased if the Development Review Board determines the maximum number of potential lots in a conventional subdivision on the same parcel of land would be greater than that permitted in Section 10.13.7.1 above. Such a determination shall be based on a density plan showing the number of potential lots in a conventional subdivision meeting the following criteria:

- (a) Each potential lot shall satisfy all the dimensional requirements of the applicable zoning district;
- (b) Each potential lot shall contain an area of compact, contiguous, buildable land equal to or greater than 10,000 square feet.
- (c) no more than three [3] lots from the original parcel may be served by a private driveway;
- (d) proposed public roads and driveways must meet appropriate regulations, including but not limited to: the requirements of the Jericho Public Works Specifications and the Jericho Subdivision Regulations (e.g. maximum slope, length, curvature, etc.) taking account of proper site distances, with due regard for topography and natural obstacles, etc.;
- (e) for the purposes of density calculations all other provisions of this and other regulations shall be considered.
- (f) Sensitive areas such as those listed in 10.13.4.2. shall be clearly delineated in the density plan, and avoided to the extent possible. The DRB shall provide direction to reorganize the layout to minimize disturbance to these features.

- (g) The density plan shall be presented at sketch plan review. If the applicant elects not to participate in sketch plan review, the request shall be made at preliminary review. **A density plan was developed and submitted for review.**

10.13.8 *Density Bonus:* At the request of the applicant, the Development Review Board may increase the total number of approved dwelling units by up to fifty percent [50%] and/or increase maximum lot coverage by up to fifteen percent [15%] if one or more of the criteria listed below are met. In determining if a density bonus is warranted, the Development Review Board shall consider the overlay layout of the PUD, compatibility with the Jericho Comprehensive Town Plan, and the ability of the site to support additional units. **As mentioned previously the applicant is requesting a 50% density bonus under criteria 10.13.8.(b); it is STAFF STORNG RECOMMENDATION that the DRB open the public hearing ONLY for the PUD request and make a determination on whether to grant the density bonus request or not. The DRB should follow the steps it has in the past if it has previously granted such a request.**

In order to be eligible for a density bonus, a PUD shall meet at least one of the following criteria:

- (a) The PUD contains designated affordable or elderly housing. Designated affordable or elderly housing units shall be indicated on the final plat. Affordable housing developments serving a very-low income population (80% of area median household income) may be eligible to increase the total number of approved dwelling units by up to one-hundred percent [100%] and/or increase maximum lot coverage by up to thirty percent [30%]. Such lots or units shall be subject to appropriate restrictions to ensure that they meet the definition of affordable or elderly housing contained within these regulations in perpetuity.
N/A
- (b) The PUD contains structures meeting recognized standards for enhanced energy efficiency. Energy efficiency standards eligible under this provision shall meet or exceed the Vermont ENERGY STAR® Homes Silver Rating. In granting a density bonus, the Development Review Board may attach reasonable conditions to ensure that the structures are built to certification standards, such as third party review and verification/certification prior to the issuing of a Certificate of Occupancy.

The applicant has proposed to design and build their units to match the equivalent of the stated base ENERGY STAR Home Silver Rating above which is (now known as “Efficiency Vermont Certified: Base Level”) Below is submitted information from Mr. Brian Just the Managing Engineer for Efficiency Vermont.

To Whom It May Concern:

The project located at 20 Morgan Drive, Jericho, VT 05465, consisting of 3 duplex buildings, is enrolled in Efficiency Vermont's residential new construction program as "Efficiency Vermont Certified: Base Level" with the addition of the "ENERGY STAR Homes" Certification.

In spring 2015, this combined enrollment tier replaced what was previously known as "Vermont ENERGY STAR Homes – Silver." Given program changes over time, the current enrollment actually slightly exceeds the requirements for the older "Silver" program in terms of energy efficiency.

Complying with our program requirements requires specific inspection and testing procedures that occur during and after construction. As such, we cannot guarantee that any project will qualify in advance. However, following a preliminary review and design meeting for this project, we are satisfied that the design team understands the program requirements for successful certification, as outlined in the attached documentation.

We work closely with program enrollees to ensure success in their energy efficiency endeavors, and would be happy to speak with town officials or other stakeholders about our process if needed. Please do not hesitate to contact me.

The DRB should know that the existing criterion for granting a density bonus has now been amended by the Planning Commission and the amended language is directly below.

If the development meets or exceeds the Efficiency Vermont Certified High Performance rating for residential development or if commercial, an Efficiency Vermont Advanced Performance Certification rating.

The applicant applied when the old language was in effect so their request and supportive letter show that they meet the intent. The DRB should know that there is currently the "Efficiency Vermont Certified: Base Level" and the "Efficiency Vermont Advanced Performance Certification" through Efficiency Vermont's program and the "Efficiency Vermont Advanced Performance Certification" is a higher level it would be compliant with the current zoning regulations. As stated in this criteria the DRB may attach reasonable conditions and that the energy efficiency standards eligible under this provision shall meet or exceed Vermont ENERGY STAR® Homes Silver Rating which is known as the Efficiency Vermont Certified Base Level. The DRB has the ability to either accept the proposed *Base Level* that is proposed or they can choose to condition the density request at the higher level of efficiency known as the *Advance Performance Certification*. In choosing/conditioning the higher standard it would put the granting

of the density bonus in compliance with the current regulation and not the old regulations. The DRB needs to understand the request is at the maximum amount allowed (50%) and any decision should be consistent with previous ruling on similar request or if none have been made then the DRB should realize they are now setting an avenue for future requests and reviews. Their decisions should remain consistent in the future. Staff feels that having the applicant meet the high standard would achieve greater efficiency for the units make them more energy friendly as well as meet the present intent of the allowance for the zoning request. It is recommended to the applicant to either support the higher standard or base their discussion and reasoning on why the “*Base Level*” which it proposed should stand and be granted.

The DRB should rule on this request and or condition an approval which applicant should comment on. This will allow all to determine how the rest of the application and hearing will proceed.

- (a) The PUD provides for additional public access to resource lands, beyond that which is required to provide safe circulation within and between developments. Such access shall be noted on the final plat and contained in deed, covenant, or easement language for the subject parcel.
N/A

10.13.8.2. Requests for a density bonus shall be made at sketch plan review. If the applicant elects not to participate in sketch plan review, the request shall be made at preliminary review for major PUDs or final review for minor PUDs. At the 4/28/16 DRB hearing there was discussion on the proposed density bonus.

10.13.8.3. Disclaimer: Nothing in this section shall be read so as to require the Development Review Board to grant a density bonus to any applicant. Any bonus granted under this section shall be specific to the parcel to which it has been granted. A bonus on one parcel shall not be construed as a general guideline or standard for any other parcel. The DRB is to grant the density bonus request it should condition it to the 20 Morgan Road parcel specifically

10.13.9 Development Standards and Dimensional Regulations:

10.13.9.1 All PUDs shall comply with the subdivision review standards in Section 10.12, any and all applicable Specific Use Standards in Section 4.4 and the General Provisions in Section 7.

10.13.9.2 The Dimensional Requirements within a PUD shall comply with Table 5.8. The application is compliant with section 5.8.

- 10.13.9.3 Lot coverage within a PUD shall be calculated based on the total coverage of the PUD, including open space land. Individual lots or portions of the PUD may exceed the acceptable maximum lot coverage, provided there is an offset by a lesser lot coverage in (an)other portion(s) of the PUD. **The applicant should state and confirm the lot coverage for the existing proposal.**
- 10.13.9.4 A buffer zone between lot boundaries and the boundary of the PUD shall be maintained so as to provide screening sufficient to mitigate adverse impact on adjacent properties. The minimum required buffer zone for each district is specified in Table 5.8. The buffer zone shall be part of the common open space or removed from the building envelopes of individual lots. The Development Review Board may waive this requirement when it is found that there is no adverse effect on neighboring parcels to be mitigated. **The application is compliant with the *buffer zone* setback requirement, they also offer some landscape screening within the submission.**
- 10.13.9.5 Variable lot sizes are acceptable within a PUD, provided that they advance the goals of the Jericho Comprehensive Town Plan and Section 10.13.1 above, and are in keeping with the purpose of the district in Section 3.2. **The application is essentially being proposed as one lot of 6.2 acres with a restrictive open space area of 3.1 acres within the 6.2 acre parcel. This proposal appears compliant.**
- 10.13.9.6 In all districts a PUD may include, subject to conditional use review, an accessory office, common laundry, storage, kitchen/dining area, and/or indoor recreational facility for use by residents of the PUD and their invited guests. **N/A**
- 10.13.9.7 PUDs shall provide for vehicular and pedestrian connectivity with neighboring developments wherever possible. **The applicant has proposed a 10' ft. pedestrian easements for the possible location of a sidewalk at some point in the future. Staff does not believe the applicant is proposing to build a sidewalk at this time. Also there does not appear to be any allowance for pedestrian movement (sidewalks, paths) within the current proposal there is the shared private road and vehicular access to the proposed units.**
- 10.13.9.8 Subdivision boundaries, access roads, utilities, lot lines and layout, and building envelopes shall be located and configured to avoid fragmentation of, and adverse impacts on, the resources listed in Section 10.10.4.1 above. **On sheet C8-01 of the application shows the proposed layout of utilities (water, wastewater treatment) but it is missing the proposed electric service to the units which should be shown and should be**

placed underground. This should be done prior to approval for review.

- 10.13.9.9 The overall layout of the PUD should incorporate or protect cultural and historic sites and features, as well as other features stated in § 10.13.4.2. The applicant should address this to the DRB in how they have met this criteria.
- 10.13.9.10 Access roads, driveways, and utility corridors shall be shared to the furthest extent possible, shall follow site contours to minimize the need for grading, and shall follow existing linear features such as roads, tree lines, stone walls, or field edges to minimize the fragmentation of open agricultural land and other resources. As proposed the application appears compliant.

GENERAL DEVELOPMENT STANDARDS (§11.1-§11.14)

11.1. Access - Public/Private Roads and Driveways-

11.1. Access - Public/Private Roads and Driveways

11.1.1. Conformity with Public Works Specifications:

All streets/roads and driveways shall be designed to meet the requirements of the Public Works Specifications of the Town of Jericho, unless waived by the Selectboard, and shall be depicted on the Plat for review by the Development Review Board prior to final plat approval. As previously mentioned the applicant needs to submit the appropriate information to the Town Highway Superintendent for his review, comment and approval. It should be noted that the Duty Officer for the Underhill-Jericho Fire Department has reviewed the application and has stated that the proposed road must be a minimum 24'ft wide, the driveways must be 14'ft wide with an unobstructed height of 13.6'ft and a slope no greater than 10%. Staff recommends that this criteria be met and approved by the appropriate parties prior to any DRB approval.

11.1.2. Private Driveways:

No more than three [3] lots may be served by a private driveway. The interest of the owner of each lot served by a common or shared driveway shall be protected by an easement recorded in the deed of each lot involved.

Private driveways shall have a maximum grade of 15%, a minimum width of 12', and be capable of supporting the weight of a two-axle, 40,000 pound vehicle. For any new subdivision with a shared driveway over 100' serving up to 3 lots, the maximum grade shall be 15%, the driveway shall have at least a 15' wide improved travel way, or shall, at intervals of 100' of length, have other provisions for the passing of oncoming vehicles; shall be capable of supporting the weight of a two-axle, 40,000 pound vehicle; and shall have an adequate turnaround at the end. The grade for any portion of a driveway within the Town right-of-way shall be -3%. (all drives must slope away from

the road). See also the detailed requirements of “Access Standards” on the Town of Jericho Road Access Permit application. Curbcuts shall be limited to one per residential property. These provisions are contained in the Town of Jericho Public Works Specifications amended 1/22/09 and shall be superseded by any revisions to the same. **See above.**

11.1.3. *Public/Private Roads:*

All accesses serving four [4] or more lots shall be considered roads. All roads shall be private unless otherwise approved as public roads by the Selectboard. The interest of the owner of each lot served by a private road shall be protected by an easement recorded in the deed of each lot involved.

Private roads shall be developed to the same standards as public roads, in accordance with the most recent version of the Town of Jericho Public Works Specifications. **The application contains site improvement ownership language and as mentioned still requires approval and confirmation that what is proposed is at the Town’s spec.**

11.1.4. *Construction and Maintenance:*

The applicant shall be responsible for construction and maintenance of all streets until such time as the Selectboard approves the construction and accepts the street as a public street; unless otherwise provided during the approval process. **The DRB can make this a condition if the application is approved.**

11.1.5. *Traffic Study/Off Site Improvements:*

11.1.5.1. The Development Review Board may require the provision of a traffic study to analyze the impact of the proposed development on street capacity and safety. The formal study shall include but not be limited to details of existing and proposed ingress and egress, traffic volumes, turning movements, levels of service, traffic control, physical conditions of the existing street network, and pedestrian access and safety. Existing traffic studies conducted in the previous five (5) years may be considered, if in the DRB’s judgment traffic conditions on the surrounding street network are substantially similar. Existing traffic studies greater than five (5) years of age may be considered, provided data regarding traffic volumes, levels of service, and other pertinent information is updated. A formal traffic study shall be required when:

- (a) the development involves creation of twenty (20) or more dwelling units; or
- (b) The increase in average daily trip ends exceeds 200, based on the estimations in the most recent Institute of Transportation Engineers Trip Generation Manual [ITETGM]; or

- (c) The increase in adjacent street traffic during the peak hour of generation exceeds fifty (50) vehicles per hour, based on the estimations in the most recent ITETGM; or
- (d) The increase in traffic during the peak hour of generation exceeds fifty (50) vehicles per hour, based on the estimations in the most recent ITETGM; or
- (e) The increase in average daily trip ends exceeds fifty percent (50%) of existing traffic on the adjacent street, based on the estimations in the most recent ITETGM, if the adjacent street is a State Highway, Class 1 Town Highway, or paved Class 2 Town Highway; or
- (f) The increase in average daily trip ends exceeds twenty-five percent (25%) of existing traffic on the adjacent street, based on the estimations in the most recent ITETGM, if the adjacent street is an unpaved class 2 Town Highway, Class 3 Town Highway, Class 4 Town Highway or Trail; or
- (g) The Development Review Board determines a traffic study is warranted in its judgment based on the specifics of the project and the area in which it is located. The applicant has provided traffic generation information (exhibit 8) specific to the proposed project and staff cannot determine how this proposal interacts with provision (e)&(f) above from the submitted information. The DRB should determine if this information is warranted for their review. The remaining sections appear compliant.

- 11.1.5.2. If, in the Development Review Board's judgment, there will be an adverse impact from the proposed development on existing access roads, the Development Review Board may require the applicant to improve the access road(s).

The need and scope for such improvements may be established by the Jericho Comprehensive Town Plan; the Jericho Capital Budget and Program; the recommendations of the Jericho Town Engineer or Highway Commissioner; corridor plans; traffic studies prepared by the Town, the CCMPO, or VTrans; by a traffic study required by Section 11.1.5.2 above; or other pertinent sources. The cost of such improvements may be credited as an in-kind contribution toward any road or transportation impact fees due the development, provided the in-kind contribution is approved by the Selectboard. The DRB will have to either find there is no adverse impact on adjacent access roads or there is and follow the criteria above.

11.1.6. *Access:*

- 11.1.6.1. The Development Review Board may require measures such as speed change lanes, turning lanes, right turn only egress or other design elements necessary to provide for safe circulation and on the site and on adjoining road. The DRB may require additional improvements and configuration to improve and facilitate pedestrian access and safety. **After the Towns Highway Superintendent has reviewed and conditioned or approved the request staff would think the above mentioned requirements would be clear to the DRB if needed.**
- 11.1.6.2. At road and driveway access points, the Development Review Board may require measures such as striping, contrasting or textured paving, and/or mountable curbs to define narrower car lanes while maintaining sufficient pavement width for safe turning of larger vehicles. **See above.**

11.1.7. *Street Names:*

Street names shall be developed with the Planning & Zoning Office and submitted to the Development Review Board for approval. Proposed streets that are in obvious alignment with others already existing and named, shall bear the names of those existing streets. The applicant shall furnish a plan detailing approved street names and proposed address numbers to the E-911 Coordinator who will certify its conformity with emergency management protocol and update appropriate Town records.

All street signs and posts shall be provided and installed by the Town at the expense of the applicant. **The applicant has proposed a private street to be named Oriole Orchard Lane, staff is unaware of any possible conflict with the proposed name and the applicant will have to provide the required information to the E-911 coordinator and will be responsible for the cost of the street sign. The DRB can condition this if the application is approved.**

11.1.8. *Arrangement of Streets:*

- 11.1.8.1. The arrangement of streets in the proposed development shall provide for the continuation of streets to adjoining developments and for proper projections of streets through adjoining properties which are not yet subdivided or developed. To ensure adequate access, the Development Review Board may require the continuation of existing streets from adjacent parcels. Where adjacent parcels are underdeveloped, the Development Review Board may require that Rights-Of-Way and/or improvements be extended to property lines. Where, in the opinion of the Development Review Board, topographic or other conditions made such continuance undesirable or impracticable, the above conditions may be modified. **There is no provision for continuation of**

streets within this proposal and the DRB should determine if this is necessary.

- 11.1.8.2. Minor streets shall be so laid out that their use by through traffic will be discouraged. In order to minimize new curb cuts on major streets, where a development abuts or contains an existing or proposed major street, the Development Review Board may require that access to the development be provided by new minor streets. **There is no through traffic contemplated.**
- 11.1.8.3. Streets shall be logically related to the topography so as to produce usable lots, reasonable grades, and safe intersections in appropriate relation to the proposed use of the land to be served by such streets. **The application is compliant.**
- 11.1.8.4. Street intersections shall be as nearly at right angles as possible, and no intersection shall be at an angle less than eighty [80] degrees. **The application is compliant.**
- 11.1.8.5. Four-way intersections, deflecting from each other at any one point by more than ten [10] degrees shall not be acceptable. Center line offsets shall conform with the Public Works Specifications, unless waived by the Selectboard. **N/A**
- 11.1.8.6. No road or driveway providing access to land in another town shall be permitted, unless such access contributes to a network of connected streets and appropriate agreements regarding maintenance have been made with the Selectboard. **N/A**
- 11.1.8.7. *Dead-End and Single Access Streets:*
 - (a) The number of dwelling units or commercial businesses served by a dead end street or by a system of streets sharing a common single access to a major or collector street shall not exceed thirty (30) unless additional connections to other streets are approved by the Development Review Board, except as provided in (b) or (c) below. **The application is compliant.**
 - (b) **New Dead End and Single Access Streets:** New dead end or single access streets are discouraged. In accordance with Section 11.1.8.1, new streets shall be arranged to provide for continuation of streets to adjoining properties whenever feasible. The Development Review Board may approve more than thirty (30) units on a new dead end or single access street if the traffic study required under section 11.1.5.1 above finds that a single access will not result in undue congestion or inhibit emergency vehicle access, and that the applicant has taken measures to accommodate pedestrian and/or vehicular circulation to

adjacent parcels and neighborhoods. Such measures may include, but are not limited to:

- (i) providing pedestrian and/or bicycle connections to neighboring streets and/or developments; and/or
 - (ii) providing a second access restricted to emergency vehicles and pedestrian traffic; and/or
 - (iii) reservation of Right-Of-way sufficient to provide for vehicular connections to adjacent undeveloped or underdeveloped adjoining properties. **The DRB will have to review the application as well as the above criteria and make a determination if the proposal is compliant or addition needs are required. A finding or conditioning can happen if this proposal is approved.**
- (c) **Existing Dead End and Single Access Streets:**
Existing streets shall be extended to serve new development whenever feasible. The Development Review Board may approve more than thirty (30) units on an existing or extended dead end or single access street upon finding that **N/A**
- (i) additional units will not result in undue congestion or inhibit emergency vehicle access; and
 - (ii) the existing road is sufficient to accommodate additional traffic, including adequate turn-around for emergency vehicles, or the applicant will contribute to improvements to the road to accommodate additional traffic; and
 - (iii) if the property to be developed could provide pedestrian connections to adjacent streets or neighborhoods, Right-Of-Way or easements for this purpose are provided. **A 10'ft easement is proposed as discussed.**
- (d) The turnaround area on a permanent dead-end street shall conform with the Public Works Specifications. **There does not appear to be a turnaround proposed on Oriole Orchard Lane, the DRB should determine if one is needed on this proposed dead end private road.**
- (e) Temporary dead-end streets that are necessary due to construction phasing are permitted. However, the streets should not exceed ten [10] times the required minimum lot frontage or 2,000 feet, whichever is shorter, and shall be equipped with a turnaround that conforms with the standards for permanent dead-end streets. A temporary turnaround shall be provided with a notation on the plat that land outside the normal street Right-Of-Way reverts to

abutting property owners whenever the street is continued.
N/A

11.1.9. *Roads and Driveways within the River and Wetlands Overlay Districts:*

Construction of driveways, roads, and/or other crossings shall require Conditional Use Review by the Development Review Board and the Vermont Agency of Natural Resources (ANR). In addition to the Conditional Use Standards in Section 10.9, applicants shall: **N/A**

11.1.9.1. Obtain wetlands permit, US Army Corps permits, Stream Alteration permits, as required;

11.1.9.2. Use open-bottom structures, such as arch culverts and bridges whenever feasible. If use of open-bottom structures is not feasible, closed-bottom structures shall remain embedded, so as to create an invisible transition between the natural stream channel and the crossing structure;

11.1.9.3. Not allow crossing to constrict the stream channel, backfill, or otherwise interfere with stream dynamics; and

11.1.9.4. Match the post-construction stream pattern and profile to the natural (pre-construction) stable pattern and profile. Crossings shall be designed to maintain water depths and water velocities at the rates found in the natural stream channel above and below the crossing.

11.2. **Parking/Loading/Circulation**

11.2.1. *Off Street Parking Requirements*

Adequate off-street parking shall be provided in conjunction with any improvement or change of use requiring a zoning permit. Except as provided within Section 11.12.5: "Alternative Parking Arrangements", all parking shall be on the same premises as the proposed improvement. **N/A**

11.2.2. *Number of Parking Spaces Required*

11.2.2.1. The following table indicates the minimum number of parking spaces to be provided for each use:

2.2 Multifamily	2.0 per unit + 1 per every 8 units
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The requirement for this application is a minimum of 6 spaces. The applicant should present where and how they have met this requirement because it is not apparent on the submitted plans.

11.2.2.2. **Handicapped Spaces:**

Non-residential parking lots shall include parking for persons with disabilities. Such parking shall be set aside and identified with signs requiring display of a state handicapped designation. There shall be at least one such space, plus one for every fifty spaces exceeding one.

The handicapped spaces shall be those closest to the principal means of handicapped access to the proposed structure or use.

Parking spaces designated for handicapped use shall be counted toward satisfying the total number of required spaces.

N/A

11.2.2.3. **Modification In Required Spaces:**

The Development Review Board may increase or decrease the number of parking spaces required if appropriate to accommodate the parking needs of an individual applicant. In general, the Board should seek to require sufficient parking spaces to meet anticipated demand but to avoid creating excess parking spaces. Alternative arrangements such as shared, offsite, and on street parking shall be encouraged to meet peak parking demand. Excessive on-site parking shall be discouraged.

In granting a reduction in the number of spaces, the Board may consider factors including but not limited to actual anticipated parking needs of a proposed use, the mix of uses within the development, proximity of the proposed use to pedestrian infrastructure, transit service, or other alternative modes of transportation, and/or transportation management proposed by the applicant. **No modification has been requested.**

11.2.3. *Standards:*

Parking areas servicing non-residential uses and all parking areas for five [5] or more cars shall be designed and constructed in accordance with the standards of this section.

11.2.3.1. **General Layout:**

- (a) Parking areas shall be laid out so as not to require or permit vehicles to back onto a public way, nor to require the movement of other vehicles to enter or exit any designated parking space, excepting Tandem Parking as permitted under Section 11.2.3.1(d) below.
- (b) Except in the Commercial District, Village District and Village Center District, designated parking areas shall not be located in any required front, side, or rear yard setback. Within the Commercial District parking may be within one-half [$\frac{1}{2}$] of the depth of the required side or rear yard(s) setbacks, except where the subject parcel is adjacent to property in the Rural Residential, Agricultural, or Forestry District. In the Village Center District and Village District, parking may be within the side or rear yard setbacks.

- (c) Parking for two [2] or more abutting uses may be constructed across any common side or rear lot line. Such parking may be served by a common driveway, either on the common boundary, or entirely within the frontage of one lot. Where such common access is entirely within one lot, an access easement shall be duly recorded.
- (d) Tandem or 'stacked' parking may be approved for residential uses and dedicated employee-only parking, provided that such parking does not create unsafe circulation on the site. If tandem parking is approved, the first space shall have unobstructed access while the second space may be accessed through the first space.
The requirement for this application is a minimum of 6 spaces. The applicant should present where and how they have met this requirement because it is not apparent on the submitted plans.

11.2.3.2. Dimensions:

- (a) Each parking space shall have a minimum width of nine [9] feet and a minimum length of eighteen [18] feet. These dimensions may be modified based on accepted engineering standards if angled parking is proposed.
- (b) Parking spaces reserved for handicapped use shall have a minimum width of twelve [12] feet.
- (c) Parking aisles shall have a minimum width of twenty [20] feet. The Development Review Board may require wider aisles if necessary to allow for adequate circulation or emergency access. The Development Review Board may reduce the minimum width if it can be shown that the required widths are excessive to the functional needs of the site. **The applicant should present where and how they have met this requirement because it is not apparent on the submitted plans.**

11.2.3.3. Front Yard Parking:

In order to enhance and maintain village character, parking to serve non-residential uses shall not be permitted between the front building line and the street in the Village and Village Center Districts. The Development Review Board may consider exceptions to this requirement when strict conformity cannot be achieved due to site specific constraints and where the overall site layout otherwise conforms with the purpose of the district. Such exceptions shall only be granted when additional measures are taken to ensure safe pedestrian circulation and access to the building, around the site, and to/and from adjoining properties. **The applicant should present**

where and how they have met this requirement because it is not apparent on the submitted plans.

11.2.3.4. **Landscaping:**

- (a) All parking areas shall be landscaped in accordance with Section 11.8 of these regulations. The applicant should present where and how they have met this requirement because it is not apparent on the submitted plans.

11.2.4. *Bicycle Parking:*

A minimum of one [1] bicycle parking space shall be provided for every five [5] parking spaces required by Section 11.2.2.1 of these regulations. Required bicycle parking spaces shall be of sufficient size to accommodate a full sized bicycle, including space for access and maneuvering, and shall allow the bicycle wheel and frame to be locked to the facility. The requirement for this application is a minimum of 6 spaces so there should at least one bicycle parking space.

11.2.5. *Alternative Parking Arrangements:*

In order to prevent creating excess parking spaces, and to reduce impervious surfaces and encourage pedestrian friendly development, the following alternative parking arrangements shall be authorized and encouraged in all districts.

11.2.5.1. **Shared Parking:**

When any land or building is used for two [2] or more distinguishable purposes, such that the hours of peak usage do not coincide, the minimum total number of parking spaces required to serve the combination of all uses may be reduced at the discretion of the Development Review Board. N/A

11.2.5.2. **Off-site Parking:**

The Development Review Board may authorize locating required parking off-site on (an)other premise(s) in accordance with the following requirements: There is no off-site parking contemplated within this application.

- (a) Provisions for safe movement of pedestrians from the parking area to the principal access of the proposed use have been made;
- (b) Provisions for handicapped parking meeting the requirements of the Americans With Disabilities Act have been made;
- (c) In the Village Center and Open Space Districts, one-hundred percent (100%) of required parking may be located off-site. In all other districts, up to seventy five percent (75%) of the required parking may be located off-site, unless located in a PUD;

- (d) PUDs in all districts may designate one or more central off-site parking areas containing up to one hundred percent (100%) of all parking required for individual uses within the PUD. Such parking areas may be within or outside the limits of the PUD. If central off-site parking is provided, separate on-site parking areas need not be designated for each individual use within the PUD;
- (e) The proposed off-site parking area shall be within 2,500 feet of the principal access of the proposed improvement. The DRB may approve off-site parking farther from the proposed improvement, provided the applicant has provided adequate pedestrian infrastructure or transportation management to connect the parking area and proposed use;
- (f) The proposed off-site parking area shall not be counted toward satisfying the parking requirements of any other use except in accordance with the provisions for shared parking;
- (g) The proposed off-site parking area otherwise satisfies all standards of this ordinance; and
- (h) A deeded easement granting parking rights to the subject property shall be recorded in the Jericho land records.

11.2.5.3 On Street Parking:

The Development Review Board may approve on-street parking if approved by the Selectboard or Vermont Agency of Transportation. On street parking may be shared as provided in Section 11.2.5.1 and may be counted towards the parking requirements in Section 11.2.2. On street parking shall not be considered “front yard parking”, and shall be permitted in the Village Center and Village Districts, provided pedestrian infrastructure or sufficient Right-Of-Way and/or easements to accommodate such infrastructure are in place. **There is no on street parking contemplated within this application.**

11.2.6. Loading and Service Areas:

- 11.2.6.1. Where a proposed development will require the frequent or regular loading or unloading of goods or passengers, sufficient on-site service areas shall be provided. Service areas may also be required for emergency vehicles, waste disposal and collection, transit service, or other purposes as necessitated by the proposed use. All loading and service areas shall be clearly marked and located in such a manner that parked vehicles will not block or obstruct sight visibility at intersections or from any internal road

or access. With the exception of passenger pick-up or drop-off areas, loading and service areas shall be located behind the front building line, or to the side or rear of the structure they serve.

N/A

- 11.2.6.2. All vehicle movements for loading, unloading, and deliveries shall be made off the public Right-Of-Way. N/A

11.3. Pedestrian Facilities

All public and private roads and access ways shall be designed and constructed to facilitate the safe and convenient movement of motor vehicle and pedestrian traffic. To the extent feasible, pedestrian and vehicular circulation shall be separated by curbing, plantings or reserve strips, and should cross or intersect in controlled locations and manners.

- 11.3.1. The Development Review Board may require the applicant to submit, at his or her expense, a study of vehicular and pedestrian circulation, subject to independent technical review under Section 10.8.6. This study shall address vehicular and pedestrian access to the site, circulation on the site, and circulation between neighboring parcels and buildings. Discussed above
- 11.3.2. The Development Review Board may require that curbs and sidewalks be installed along both sides of major and collector streets and along one side of minor streets. Designs shall meet the Public Works Specifications and approval of the Selectboard prior to final plat approval. The DRB will have to determine if this is necessary.
- 11.3.3. In addition to sidewalks required by 11.3.1, the Development Review Board may require permanent pedestrian easements up to twenty-five [25] feet but not less than ten [10] feet in width in order to facilitate pedestrian circulation within a development, between adjoining neighborhoods, or to provide access to parks, schools, shopping centers, centers of employment and community facilities. Pedestrian easement locations may include, but are not limited to the following areas: The applicant has proposed a 10'ft wide pedestrian ROW along the boundary fronting Morgan Road the DRB may want to request a larger easement for possible construction which could be temporary during construction.
- 11.3.3.1. through blocks 600 feet or more in length,
- 11.3.3.2. as a continuation of cul-de-sacs,
- 11.3.3.3. in conjunction with utility easements, or
- 11.3.3.4. along existing Rights-Of-Way that lack sufficient width to contain pedestrian facilities.
- 11.3.4. *Handicapped Access:* Where construction of parking or access facilities results in curbs or other barriers, handicapped access shall be provided in accordance with generally accepted standards for handicapped access.

11.4. Lot Layout

- 11.4.1. Each lot shall have the minimum area and frontage required by these regulations, unless modified through the Planned Unit Development provisions in Section 10.13 of these regulations. **Conforms**
- 11.4.2. Lots shall be of sufficient size to provide an adequate building site with suitable areas and adequate isolation distances for sewage disposal and water supply both on site and neighboring properties. The Development Review Board may require larger lots than required by these regulations where deemed necessary because of conditions affecting drainage, sanitary sewage disposal, or water supply. **Conforms**
- 11.4.3. Where lots are more than double the minimum required area for the zoning district, the Development Review Board may require that development on such lots be arranged so as to allow further subdivision and the opening of future streets where they would be necessary to serve such potential lots. **N/A**
- 11.4.4. Corner lots shall be of sufficient dimensions so that any structure placed thereon shall conform with the front yard setback requirements on each street. **N/A**
- 11.4.5. Each lot shall be provided with satisfactory access to a road meeting the requirements of Section 11.1 of these regulations. **This can either be a finding or a condition if approved.**
- 11.4.6. No privately owned reserved strip shall be permitted which controls access to any part of the development or to any other parcel of land from any street or other open space dedicated to public use or which may be so dedicated. **Conforms**
- 11.4.7. Wherever feasible, lots shall be laid out to provide access onto minor streets rather than collector streets, and wherever possible to avoid direct access to major streets and highways. **N/A**
- 11.4.8. The Development Review Board shall encourage lot layout that will preserve open space areas and significant natural resources.
 - 11.4.8.1. Building Envelopes: All lots shall have designated building envelopes that shall not include areas within the Wetlands Overlay District, the River Overlay District, the WHPA-1 of the Wellhead Protection Area Overlay District, and the Natural Resources Protection Overlay District (except as provided by Section 6.7.5.1). **As mentioned the application is not located within any Overlay District.**
 - 11.4.8.2. In areas containing currently productive agricultural land, building envelopes shall be located at field edge or on the least productive areas in order to minimize the fragmentation of agriculturally productive lands, impacts on existing farm

operations, and disruption of the scenic qualities of the site. As mentioned the application is not located within any productive agricultural land.

- (a) 11.4.8.3. If the parcel to be developed is largely forested, building envelopes shall minimize the extent of forest clearing required for development. Forest fragmentation and tree removal shall be kept to a minimum. The parcel is tree covered and as mentioned there are no building envelopes shown but there are building footprints, the applicant should present where and how they have met this requirement because it is not apparent on the submitted plans.

11.4.8.4. In order to minimize land use conflicts, the Development Review Board may require vegetative buffers or other mechanisms to separate building lots and subsequent development from agricultural and forestry operations, recreation areas, and critical wildlife habitat. The DRB should determine if this criteria has been met.

11.4.9. *Energy Conservation:* Lot layout, including orientation of buildings and vegetation, should be designed so as to promote the conservation of energy and to permit the utilization of renewable energy resources. The application proposes to meet energy efficiency standards and there do not appear to be any renewable energy resources proposed at this time.

11.4.10. *Monumentation:* Lot corners along public road frontage shall be marked by concrete monuments. All other lot corners shall be marked by iron pins or steel pipes. This can be a condition of approve if one is granted.

11.5. Grading/Slope/Ridgeline

11.5.1 All land development and subdivision shall be planned to retain, as much as possible, the natural contours and to conserve the natural cover and soil. The landscape shall be preserved in its natural state, as much as practical, by minimizing tree and soil removal and nonessential grading. Any grade changes shall be in keeping with the general appearance of the neighboring developed areas. **Conforms**

11.5.2 Development and disturbance of steep slopes should be minimized. The following standards shall apply to the development of steep slopes:
Conforms

11.5.2.1. If slopes between eight and fifteen percent (8%-15%) are disturbed as a result of a proposed development, the Development Review Board may require the applicant to submit plans for erosion and sediment control during construction and plans for post-construction slope stabilization. These plans shall be prepared by a registered professional engineer. **The applicant has submitted an erosion & sediment control plan.**

11.5.2.2. Development and disturbance of more than 10,000 square feet of slopes greater than fifteen percent (15%) and less than twenty-five percent (25%) shall require

Conditional Use Review by the DRB. In addition to the Conditional Use Standards in Section 10.9, applicants shall meet the following standards: **Conforms**

(a) The applicant shall provide a grading plan for the construction site and all access routes. Grades for roads and driveways shall not exceed the maximums prescribed in the Public Works Specifications. Switchbacks and curve radii shall be designed to allow for safe ingress and egress of service and emergency vehicles. **A grading plan has been submitted and the Highway Superintendent has yet to review and approve.**

(b) Site disturbance, including cut and fill, shall be minimized and shall not create a detrimental impact on slope stability or increase erosion potential. The applicant shall submit plans for erosion and sediment control during construction and plans for post-construction slope stabilization. These plans shall be prepared by a registered professional engineer. Erosion and sediment control measures shall at minimum meet the requirements of the Vermont Handbook for Soil Erosion and Sediment Control on Construction Sites. Potential post-construction slope stabilization measures include, but are not limited to, retaining walls and/or dense landscaping. **The applicant has submitted an erosion & sediment control plan.**

(c) The Development Review Board may require a letter of credit, performance bond, escrow, or other surety, in an amount sufficient to provide for slope stabilization and to ensure stabilization plantings and improvements remain in satisfactory conditions for a period of three (3) years following construction. **The DRB will need to determine if this is necessary.**

11.5.2.3. Development and disturbance of more than 10,000 square feet of slopes twenty-five percent (25%) or greater shall require Conditional Use Review by the DRB. In addition to the Conditional Use Standards in Section 10.9, applicants shall meet the following standards: **There does not appear to be any slopes on site that are greater than 25%, the applicant should confirm this.**

(a) All standards required under Section 11.5.2.2 above; and

(b) There are no practical alternatives, or all practical alternatives will result in greater negative impacts than the slope disturbance proposed by the applicant. Such negative impacts may include but are not limited to erosion hazards and/or stormwater runoff during and after construction, site disturbance, habitat fragmentation and/or removal of vegetation, disturbance of wetlands or surface waters, and/or hazardous access for residents and service/emergency vehicles.

11.5.3 At ridgelines, development shall be located to protect an unbroken forested backdrop. Development, including road and utility corridors, shall be sited and designed to minimize visual impacts from public vantage points. The use of landscaping and natural screening materials is encouraged, and may be required to lessen the visual impact of such development. The DRB may impose conditions including but not limited to building envelopes, clearing limits, and/or landscaping and screening to achieve the goals of this section. **See above**

11.5.4 *Removal of Topsoil, Sand and Gravel:*

11.5.4.1 No topsoil, sand or gravel shall be removed from the development for any purpose other than to meet construction

needs of that particular development unless conditional use approval is obtained from the Development Review Board in accordance with Section 7.4 of these regulations. **Topsoil or gravel removal are not contemplated within this application, the DRB can either find or condition if application is approved.**

- 11.5.4.2 Topsoil removed in the process of grading the development site shall be replaced to a minimum depth of four [4] inches and the site seeded in accordance with Natural Resources Conservation Service recommendations. No stumps, wood, roots, pieces of concrete or asphalt chunks, fibrous material, or other refuse shall be used as fill in areas to be used as building sites. Stump dumps shall be located above the water table. **Topsoil or gravel removal are not contemplated within this application, the DRB can either find or condition if application is approved.**

11.6 Recreation/Open Space/Common Land

- 11.6.1** As a condition to the approval of any plan relating to a residential subdivision or residential development, the Development Review Board may require that up to fifteen percent [15%] of the areas on the plat be dedicated for the purpose of a public park, playground or other outdoor recreation purpose. The Development Review Board may require dedication of recreation land to the Town, land trust or other non-profit association, establishment of a homeowners association, or other means to ensure the long term ownership and maintenance of the recreation land. The Development Review Board shall consider the following in determining whether such recreation area is appropriate:

- 11.6.1.1** The size of the proposed subdivision and the resulting area proposed for outdoor recreation purposes,
- 11.6.1.2** The physical suitability of the site for recreational use,
- 11.6.1.3** Whether use of the applicant's land for such purposes would conform with the Jericho Comprehensive Town Plan and the Chittenden County Open Space Plan, and
- 11.6.1.4** The site's proximity to other recreation land.

The DRB should determine if this is necessary.

- 11.6.2 Upon approval from the Selectboard, if a suitable park, playground, or outdoor recreation site is provided under Section 11.6.1 above, the Development Review Board may exempt the applicant from payment of municipal impact fees relating to recreation and open space.
- 11.6.3 All developments approved as Planned Unit Developments shall provide open space/common land in accordance with Section 10.10.4. Recreation land required by Section 11.6.1 above shall be in addition to any provision of open space/common land in conformity with the provisions of Section 10.10.4. **The DRB should determine if this is necessary**

11.7 Water Supply and Sewage Disposal

11.7.1 No zoning permit shall be issued for any structure requiring facilities for water supply or sewage disposal, including a mobile home, in any district, unless applicable approvals have been obtained from the Vermont Agency of Natural Resources and/or the appropriate Water District. **Condition if approved.**

11.7.2 The above provisions of this section shall not apply to a connection with a public sewer made as provided in 10 VSA Section 2607. **N/A**

11.7.3 *Water Supply:*

11.7.3.1 If the development will be supplied by an existing public water system, a letter shall be submitted by the applicant from the governing body of the water district stating that the water district has adequate capacity to serve the development and approving the design and construction details prior to final approval by the Development Review Board. **A letter and approval have been a\obtained and submitted.**

11.7.3.2 If the development is to be served by a public water supply system, the applicant shall install a complete public water system, including mains, valves, services to the property lines and all other appurtenances. Design and construction procedures, materials and location of improvements shall conform with all applicable standards required by the commissioners of the water district in which the development is located and shall be subject to the approval of the water district's engineer. **Condition if approved.**

11.7.3.3 If the development will not be served by a public water system, a community system, a system consisting of individual wells, or other means of providing water to the proposed development shall be designed and installed in accordance with all applicable State regulations and standards. Community water systems shall be designed in such a way that they may eventually be connected to the municipal water supply system. **N/A**

11.7.3.4 Evidence of the location and availability of potable water in adequate quantities shall be provided. The DRB may require the applicant to submit well yield information or provide other evidence that sufficient groundwater to serve the development is available. Due consideration in the location of community or individual water systems shall be given with respect to building sites, roadways, septic systems, floodwater levels, aquifer protection areas, and other factors affecting the potability of water supplies. **N/A**

11.7.4 *Sewage Disposal:*

11.7.4.1 All wastewater disposal systems shall conform with the Environmental Protection Rules, Chapter 1, Waste Water and Potable Water Supply Rules published by the Agency of Natural Resources, as most recently amended. **Condition if approved.**

11.7.4.2 The DRB may defer sewage disposal requirements for a new lot if said lot is greater in size than twenty-five [25] acres, or if the DRB determines that the lot is suitable for agricultural or open space purposes. Language indicating the deferral status for any such lot shall appear on the final plat and in any transfer deed.
N/A

11.8 Landscaping

11.8.1 *Preservation of Landscape:* Finished site contours shall depart only minimally from the character of the natural site and the surrounding properties. Removal of vegetation shall be limited to the minimum necessary for safe construction. Areas disturbed through construction shall be revegetated by the applicant. Where development occurs in a forested or partially forested area, the applicant may be required to submit recommendations from a professional forester regarding placement of improvements and removal of trees. Where tree coverage does not exist or has been removed, new plantings may be required. **The applicant should present where and how they have met this requirement because it is not apparent on the submitted plans.**

11.8.2 *Landscaping Budget Requirement:* For all site plans, the Development Review Board may require minimum planting costs of up to three percent [3%] of total construction/improvement costs. **The DRB should determine if this is necessary.**

11.8.3 *Screening and Buffering Requirements:* All parking areas for five [5] or more cars, all outdoor sales display areas, all business uses and industrial uses, all contractor's yards, open storage and loading service yards and all commercial outdoor recreation shall be screened from any adjacent residential use and or the Rural Residential, Agriculture or Forestry district. Screening shall include a mixture of vegetation that creates a visual buffer (not necessarily an impervious "wall"). The introduction of attractive fencing, integrated with the vegetation, can also be used to define the buffer. The amount and type of plantings required will be determined by the Development Review Board based on

11.8.3.1.1 the location and context of the site,

11.8.3.1.2 the type of use,

11.8.3.1.3 proximity to neighbors, and

- 11.8.3.1.4 the pattern and extent of existing vegetation (on-site and in the immediate area). **The DRB should determine if this is necessary.**

In all developments, to the extent practicable, existing trees shall be retained and used to satisfy the provisions of the minimum landscaping requirement.

- 11.8.4 *Street and Shade Trees:* In addition to plantings that may be required above for screening and/or buffering, all uses abutting a public way shall provide plantings of street trees. Street tree plantings shall also be required for all streets in a subdivision or Planned Unit Development. New trees shall be along both sides of streets in areas where no trees presently exist or where existing trees would suffer life-shortening construction damage. The trees shall be planted outside the Right-Of-Way, unless written approval is gained from the Selectboard. Street trees shall be located so as to minimize conflicts with necessary utilities. Such trees shall be deciduous canopy-forming trees of similar species and growth habit, and may be either massed or planted at intervals.

Where such trees are planted at intervals, they shall conform with the following schedule of maximum spacing based on mature height:

SIZE (mature height)	MAXIMUM SPACING (trunk-to-trunk distance)
Large (40 feet or greater)	50-70 feet
Medium (30-40 feet)	40-50 feet
Small (30 feet or less)	30-40 feet

Where such trees are massed, planting shall consist of the same number and size of trees as would be required based on planting at intervals. **The applicant should present where and how they have met this requirement because it is not apparent on the submitted plans.**

- 11.8.5 *Internal Parking Lot Landscaping:* All off-street parking lots containing twenty [20] or more spaces shall be landscaped with trees, shrubs, and other plants. At least one deciduous tree per ten [10] spaces shall be planted in a bed of not less than forty [40] square feet. The Development Review Board may require fewer trees if the required landscaping results in an undue loss of parking. In lieu of this requirement, the Development Review Board may approve uncurbed planting areas in order to provide for stormwater run-off into vegetated areas for treatment. **N/A**

- 11.8.6 In lieu of other landscaping requirements above, the Development Review Board may approve landscaping of equivalent value for the purpose of improving or restoring wildlife habitat, wetlands restoration and protection, stream bank stabilization and restoration, or similar improvement. Plans for such improvements shall be developed by an appropriate professional. **The DRB should determine if this is necessary.**

- 11.8.7 *Planting Specifications:* Plants shall be hardy for the climatic and other conditions in which they will be used (salt, air pollution, etc.). Trees shall preferably be of a type indigenous to the neighborhood. At its discretion, the Development Review Board may refer to “Recommended Trees for Vermont Communities: A guide to Selecting and Purchasing Street, Park, and Landscape Trees”, published by the Vermont Urban and Community Forestry program. Trees shall be nursery grown or otherwise of healthy stock. Trees of similar species and function shall be of substantially uniform size and shape. At the time of planting, canopy-forming deciduous trees shall be at least two [2] inches in diameter, measured at a point four [4] feet above finished grade, and evergreen species shall be at least four [4] feet in height.

All plantings required by this section shall be planted in accordance with accepted horticultural practice and shall be guaranteed by the developer or successor in interest for a period of three [3] years from the date of planting. To the extent practical, existing trees shall be retained and used to satisfy this section. Final choice of tree species and exact planting locations are subject to recommendations of the Jericho Tree Warden. **The applicant should present where and how they have met this requirement because it is not apparent on the submitted plans. There are proposed plantings but there is no corresponding planting list or schedule which should be included.**

11.9 Site Layout and Design

The siting and architectural design of the project shall be compatible with existing and planned improvements and the character of the area in which it is to be located, as defined by the purpose of the zoning district, the Jericho Comprehensive Town Plan, and the standards listed below. The Development Review Board should encourage the use of a combination of common materials and architectural characteristics, landscaping, buffers, screens and visual interruptions to create attractive transitions between buildings of different architectural styles. **No architectural designs have been provided for evaluation. The applicant should present where and how they have met this requirement because it is not apparent on the submitted plans.**

- 11.9.1 *Village Center District:* Site layout and design shall reinforce a compact village settlement pattern of buildings lining public roads or central greens and shall enable building sites and setbacks to be consistent with village patterns. Buildings shall be sited so as to encourage use by pedestrians and to create a well-defined streetscape. **N/A**

- 11.9.2 *Rural Residential, Village, and Agriculture and Forestry Districts:* Site layout and design shall reinforce the rural landscapes of these districts. Development shall be sited to minimize, to the extent feasible, encroachments on natural resources and environmentally sensitive areas including steep slopes, open fields and prominent ridgelines and hillsides. Commercial uses shall be sited so as to blend with the predominately rural/residential character of these areas. **See above. The applicant should present where and how they have met this requirement because it is not apparent on the submitted plans.**

- 11.9.3 *Commercial District:* Site Layout and design shall minimize the appearance of strip development. Site layout and design shall incorporate green space, landscaping and other visual treatments that soften the appearance of development. Curb cuts should be limited to avoid impeding circulation on Route 15, and interior circulation roads may be required on larger parcels. **N/A**
- 11.9.4 *Energy Conservation:* In all districts, site layout and design, including orientation of buildings and vegetation, should promote the conservation of energy and permit the utilization of renewable energy resources. **Discussed above**
- 11.9.5 The existence of a nearby structure that does not contribute positively to the character of the Town shall not be regarded as a justification for perpetuating or expanding the effect. **N/A**

11.10 Outdoor Storage/Display

- 11.10.1 In addition to the provisions of Section 4.7.16, except as provided in Section 11.2.3.3: "Front Yard Parking", no parking, loading or outdoor storage, sales or display areas shall be permitted in any required front yard setback. The Development Review Board may limit the total size of outdoor areas for the display of items for sale as a conditional use requiring site plan review. **The applicant should present where and how they have met this requirement because it is not apparent on the submitted plans.**
- 11.10.2 *Solid and Hazardous Wastes:* No trash, garbage, construction debris, or hazardous or corrosive wastes or chemicals, junk, or other refuse shall be stored on a lot in such a way that pollutes surface or groundwater or that threatens public health and safety. **The applicant should present where and how they have met this requirement because it is not apparent on the submitted plans especially dealing with the dealing with trash & garbage from the use.**
- 11.10.3 *Motor Vehicles:* No person shall permit more than three [3] unregistered and/or uninspected motor vehicles or major part or portion of a motor vehicle to remain for more than thirty [30] consecutive days on premises owned, occupied, or controlled by him if the vehicle or parts are within view from any public way or abutting property, unless the vehicle is regularly operated on the premises, or unless the premises constitute a working farm or a permitted motor vehicle dealership. Any motor vehicle, or portion thereof (such as a trailer), used as a storage structure shall meet all applicable district setbacks. **Condition if approved.**
- 11.10.4 *Underground Storage Tanks:* All new underground tanks for the storage, sale, or distribution of petroleum products shall be protected from internal and external corrosion such as by all Fiberglass construction, steel with bonded Fiberglass and internal lining, or the Steel Tank Institute 3-Way Protection System. Such tanks shall conform with the requirements of current applicable state and/or federal law. **Condition if approved.**

- 11.10.5 *Above Ground Storage Tanks:* The storage of any highly flammable or hazardous liquid in an above ground tank with a storage capacity greater than 500 gallons shall meet all applicable state and federal standards, and the setback requirements and other standards of National Fire Protection Association (NFPA) Code 58 (or the most recent NFPA Code). **Condition if approved.**

11.11 Outdoor Lighting

Lighting shall be kept to a minimum consistent with the requirements of pedestrian and vehicular safety and convenience in accordance with the Public Works Specifications and the following standards: **The applicant should present where and how they have met this requirement because it is not apparent on the submitted plans**

- 11.11.1 The maximum height of lighting fixtures or supporting structures shall not exceed twenty [20] feet from grade. Excluded from this height calculation are solar collectors or wind turbines on top of the supporting structure, which shall not exceed ten [10] additional feet in height. **The applicant should present where and how they have met this requirement because it is not apparent on the submitted plans**
- 11.11.2 The maximum permitted average lighting level on the surface to be lighted shall be one [1.0] foot-candle, or as otherwise specified in the Public Works Specifications. **The applicant should present where and how they have met this requirement because it is not apparent on the submitted plans**
- 11.11.3 Lighting of areas around gasoline pump islands and under canopies sheltering pump islands shall not exceed a maximum illumination level of twenty [20.0] foot-candles. **N/A**
- 11.11.4 The height and shielding of light standards shall provide proper lighting without hazard to drivers or nuisance to residents. Fixtures, poles, and lamps shall conform with the Public Works Specifications. To the extent practicable, energy-efficient LED fixtures shall be used. Lamps shall have a minimum color temperature of 2500 Kelvin. **The applicant should present where and how they have met this requirement because it is not apparent on the submitted plans**
- 11.11.5 *Security Lighting:* Security lighting shall be shielded and aimed so that illumination is directed only to the designated area and not cast on other areas. Lighting shall not be directed above the horizontal plane through the top of the lighting fixture, and the fixture shall include shields that prevent the light source from being visible from adjacent properties and roadways. The average lighting level of an area illuminated by security lighting shall not exceed one [1.0] foot-candle. To the extent practicable, security lighting shall be placed on timers and seasonally adjusted for fluctuations in daylight hours. **The applicant should present where and how they have met this requirement because it is not apparent on the submitted plans**
- 11.11.6 *Lighting of Building Facades:* The maximum permitted average lighting level on any building façade or angular roof shall not exceed five [5.0] foot-candles. Building façade lighting shall be reduced to one [1.0] foot-candle

after 11pm. Lighting fixtures shall be carefully located, aimed, and shielded so that light is directed only onto the building façade. To the extent practicable, lighting fixtures shall be directed downward rather than upward. Lighting fixtures shall not be directed toward adjacent streets or roads. **As previously mentioned there have been no architectuals submitted so the applicant should present where and how they have met this requirement because it is not apparent on the submitted plans**

- 11.11.7** *Lighting of Outdoor Recreation Areas:* Where playing fields or other outdoor recreation areas are to be illuminated, lighting fixtures shall be mounted and aimed as to illuminate the primary recreation area only, and so that no direct illumination is directed offsite. Lighting for outdoor recreation areas shall be turned off no more than forty-five [45] minutes after the end of the event. **N/A**

- 11.11.8** Direct glare (defined as illumination beyond property lines caused by direct rays from incandescent, fluorescent, or arc lighting) shall not be permitted with the exception that parking areas and walkways may be illuminated by lights hooded or shielded such that the maximum angle of the cone of direct illumination is no more than sixty [60] degrees. **N/A**

- 11.11.9 Provisions for outdoor lighting may be subject to recommendations by the Vermont State Police. **The DRB should determine if this is necessary.**

11.12 Utilities

- 11.12.1** All existing and proposed utilities and utility Rights-Of-Way/easements, including but not limited to electric, telephone, gas, fiber optic and cable television, shall be shown on the final plat. **Condition if approved, with ALL ROW's - easements listed and recording information provided within the notes. No ROW should be listed as ASSUMED it is either a ROW or it is not.**
- 11.12.2** All new utilities shall be placed underground from the nearest available port, unless the Development Review Board determines that burial of utilities would result in an undue adverse impact to natural resources or would be prohibitively expensive. Prior to approving overhead utilities, the DRB shall require independent technical review in accordance with Section 10.8.6 to determine if the above conditions are met. **The applicant should present where and how they have met this requirement because it is not apparent on the submitted plans that the electrical service is either underground or above**
- 11.12.3** The applicant shall coordinate development design with utility companies to ensure that suitable areas are available for underground installation within and adjacent to the proposed development. Utility easements of sufficient width shall be provided to serve both the proposed development, and future service extensions to adjoining properties. **Condition if approved**

- 11.12.4** Utility corridors shall be shared with other utility and/or transportation corridors where feasible and shall be located to minimize site disturbance.
Condition if approved

11.13 Storm Water (subdivision section III.6)

- 11.13.1 *Post-Construction Stormwater Management:* The applicant shall install a storm water management system along all new streets and at other required locations. This system shall meet the following standards:
- 11.13.1.1 Development shall minimize stormwater runoff and utilize pervious areas for stormwater infiltration and treatment. Existing natural drainage ways shall be incorporated into the design of the management system to the fullest extent possible.
 - 11.13.1.2 The stormwater management system shall be designed, installed and maintained in accordance with the requirements of the latest version of the Vermont Stormwater Management Manual and the Jericho Public Works Specifications. In the event of conflicting design criteria within these standards, the stricter shall apply.
 - 11.13.1.3 Applicants are encouraged to incorporate Low Impact Development techniques and practices into the stormwater management system.
 - 11.13.1.4 All development requiring Development Review Board approval resulting in more than one-half [0.5] acres of new impervious surface and all major subdivisions shall at minimum meet the Recharge (Rev) criteria and the Water Quality Volume (WQv) criteria, as defined in the Vermont Stormwater Management Manual. Applicants are strongly encouraged to utilize non-structural practices such as the Voluntary Stormwater Management Credits provided for in the most recent version of the Vermont Stormwater Management Manual in order to satisfy this requirement.
 - 11.13.1.5 The interest of the owner of each lot served by the stormwater management system shall be protected by an easement recorded in the deed of each lot involved.
 - 11.13.1.6 Uses defined as “stormwater hotspots” in the Vermont Stormwater Management Manual, including those creating less than one acre of impervious surface, shall comply with all applicable requirements of the Vermont Agency of Natural Resources. Stormwater runoff from a stormwater hotspot shall not infiltrate into groundwater unless an individual stormwater permit from the Vermont Agency of Natural Resources is obtained.
 - 11.13.1.7 Culverts or other drainage facilities shall, in each case, be large enough to accommodate potential run-off from the entire upstream drainage area, whether inside or outside the

Development. The Development Review Board shall approve the design and size of facilities based on anticipated run-off under conditions of total potential development and a twenty-five [25] year storm. The applicant's engineer shall provide such information as the Development Review Board deems necessary to make the determination of the adequacy of the facilities. **The applicant has submitted a written stormwater design brief (exhibit #7) but there is no corresponding stormwater management plan to corresponds to the deign brief, there is a submitted erosion control plan but it does not appear to match the design brief. The applicant or the applicants stormwater engineer should present where and how they have met this requirement because it is not apparent on the submitted plans in how section 11.13.1.1-11.13.1.7 are addressed or met. If the DRB wishes it can require additional technical review on this to assist in their evaluation of this proposal.as per section 10.8.6**

- 11.13.1.8 The applicant's engineer shall provide such information as the Development Review Board deems necessary to determine the effect of the development on existing downstream drainage facilities outside of the area of development. Where anticipated discharge from the proposed development during a twenty-five [25] year storm will overload existing downstream drainage facilities, the Development Review Board may condition final approval upon improvement of the downstream facilities to prevent such an overload. Any construction required to prevent such overload and subsequent damage may be located on or off the applicant's site. **. The applicant or the applicants stormwater engineer should present where and how they have met this requirement because it is not apparent on the submitted plans in how section 11.13.1.8 is addressed or met. If the DRB wishes it can require additional technical review on this to assist in their evaluation of this proposal.as per section 10.8.6**

11.13.2 Erosion and Sediment Control During Construction:

- 11.13.2.1** At minimum, all construction shall comply with the erosion control practices detailed in the most recent version of the Vermont Agency of Natural Resources Low Risk Site Handbook for Erosion and Sediment Control.
- 11.13.2.2** Plans meeting the guidelines of the latest edition of the Vermont Handbook for Soil Erosion and Sediment Control on Construction Sites, shall be submitted for all major subdivisions or when otherwise required by the Vermont Department of Environmental Conservation. The Development Review Board may also require erosion plans when development is proposed to occur on slopes greater than fifteen percent [15%], unvegetated areas or other areas with fragile

soil conditions. In order to determine whether or not an erosion control plan is needed, the Development Review Board may require the applicant to provide a Risk Evaluation Checklist from the Vermont Department of Environmental Conservation

11.13.2.3 Where necessary, temporary vegetation and/or mulching and structural measures may be required by the Development Review Board to protect areas exposed during the development. Sediment basins (debris basins, desilting basins, or silt traps) shall be installed and maintained during development to remove sediment from run-off water from land undergoing development. At minimum, these measures shall comply with the practices described in the Vermont Agency of Natural Resources Low Risk Site Handbook for Erosion and Sediment Control.

11.13.2.4 Erosion prevention and sediment control practices for construction that occurs from October 15th to May 15th shall conform with Section 3.2 Winter Construction Limitations of the Vermont Standards and Specifications for Erosion Prevention and Sediment Control, or the most recent Vermont Agency of Natural Resources standards for winter construction. **The applicant has submitted an erosion control plan C8-01 as well as details sheets EPSC-1 & EPSC-2. If the DRB wishes it can require additional technical review on this to assist in their evaluation of this proposal as per section 10.8.6**

11.13.3 Protection of Natural Water Courses:

11.13.3.1 No natural water course shall be piped, dammed or altered without the approval of the Town and, where applicable, the State Department of Environmental Conservation and/or the Army Corps of Engineers. **N/A**

11.13.3.2 Land bordering on major water courses and drainage ways, or located in the 100 year Floodplain, which cannot be used safely for building purposes without danger to health or peril from flood, shall be set aside for such uses as are not endangered by periodic inundation. **N/A**

11.13.3.3 Construction and site modifications shall be prohibited on banks adjacent to streams or other water courses, except where a road or utility must intersect said waters. During construction all necessary precautions shall be taken to minimize soil erosion and injection of soil into public waters. The disturbed bank and slopes shall be revegetated and stabilized according to Natural Resources Conservation Service recommendations. **N/A**

11.14 Performance Standards

11.14.1 No land or structure in any zoning district shall be used or occupied in any manner that creates dangerous, injurious, noxious or otherwise objectionable conditions which adversely affect the reasonable use of adjoining or nearby properties). In accordance with the ACT [§§4414(5)], the following performance standards, as measured at the property line, must be met and maintained in all districts for all uses, except for agriculture and forestry.

Conditioned if approved

No use, under normal circumstances, shall cause or result in:

- 11.14.1.1** Noise in excess of seventy decibels [70db] averaged using the RMS method over a continuous thirty [30] minute period that is not the result of occasional, customary activities associated with an allowed use (e.g., lawn mowing or garden cultivating).
- 11.14.1.2** Smoke, dust, noxious gases, or other forms of air pollution that constitute a nuisance or threat to neighboring landowner(s), business(es) or resident(s); which endanger or adversely affect public health, safety or welfare; or which cause damage to property or vegetation.
- 11.14.1.3** Electromagnetic disturbances or electronic transmissions or signals that will repeatedly and substantially interfere with the reception of radio, television, or other electronic signals, or which is otherwise detrimental to public health, safety and welfare (except from facilities which are specifically licensed and regulated through the Federal Communications Commission).
- 11.14.1.4** Glare, lumen, light, or reflection that impairs the vision of motor vehicle operators, which constitute a nuisance to another property owner(s) or tenant(s), or which is otherwise detrimental to public health, safety and welfare.
- 11.14.1.5** Liquid or solid waste or refuse that cannot be disposed of by available methods without undue burden to municipal or public disposal facilities, which pollute surface or ground waters, or which is otherwise detrimental to public health, safety and welfare.
- 11.14.1.6** Undue fire, explosive, radioactive emissions, or other hazard that endangers the public, public facilities, or neighboring properties, or which results in a significant increased burden on municipal facilities and services.

In determining on-going compliance, the burden of proof shall fall on the applicant, parcel owner, and/or all successors and assignors. In the event of a formal complaint, should the applicant, parcel owner, and/or successors and assignors, determine that assistance of an independent consultant or

consultants to evaluate and/or document conditions is warranted, and the results of said evaluation confirm compliance, the reasonable costs of consultant services shall be paid for by the person or persons who initiated the complaint. **Conditioned if approved for section 11.14.1.1-11.14.1.6**

11.14.2 Agricultural operations should at minimum observe Accepted Agricultural Practices (AAPs) as defined and administered by the Vermont Agency of Agriculture. **N/A**

11.14.3 Forestry operations should at minimum observe Accepted Management Practices (AMPs). **N/A**

The Zoning Administrator or Development Review Board may consult with state and federal regulatory agencies in determining accepted performance standards for a particular use.

STAFF RECOMMENDATION:

Is to open the public hearing ONLY for the PUD review to start with and evaluate and decide on the 50% density bonus request. If the density bonus is approved staff would recommend opening the public hearing on the site plan and conditional use review for the application. If the density bonus is not approved staff would recommend continuing the public hearing to the 8/11/16 meeting so the applicant can determine what course they would like to pursue with their application. If the public hearing proceeds there are areas listed within the staff notes that are either missing or staff was not able to determine that the applicant or applicant's consultants should address for the DRB to review and contemplate. If all areas are addressed and reviewed to the satisfaction of the DRB a decision could be discussed; if not staff recommends continuation of the hearing to the 8/11/16 scheduled DRB hearing so the review can be completed.